# PLANNING COMMISSION MINUTES April 15, 1997

Present: Chairman Dean Jolley, Vice-Chairman Lois Williams, Mark Green, Ken Cutler, Mike Holmes, Dick Dresher; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Don Milligan.

Dean Jolley welcomed all those present. Dick Dresher made a motion to approve the minutes for April 1, 1997 as written. The motion was seconded by Ken Cutler and voting was unanimous.

### **Conditional Use Permits**

1. Public hearing to consider granting a conditional use permit to expand an in-home day care at 180 E. 900 N., Sandra Fletcher, applicant.

Sandra Fletcher was present. Blaine Gehring explained that Sandra Fletcher has operated an in-home day care for six children for a couple of years. Her daughter, Karin Garner, has done the same thing in her home. Recently, Mrs. Garner moved in with her mother and they now want to combine the two day cares into one. The Staff has received two letters in support of the proposal and no letters or phone calls to the contrary. The Staff recommends granting the conditional use permit to allow up to 12 children for day care with the condition that all State Licensing is met and complied with.

Dick Dresher mentioned that he attended a seminar on building code requirements. The building code has certain requirements for day care for up to 12 children. The building code classifies this as a group E3 building. An E3 building has to be separated by area separation walls (one hour walls) from a R3, which is a house. The day care section should be separated by one hour walls from the rest of the home for the safety of the children.

Blaine Gehring mentioned that the State has their own regulation when inspecting a home for day care. Mike Barfuss, from the Fire Department, also inspects the home. As a City we do not require this. Rusty Mahan mentioned that the State has adopted the building code.

The public hearing was opened for further comments or concerns. Margie Tempest, residing at 210 E. 900 N., is in support of the day care and had some questions about her rights as a neighbor. Ms. Tempest asked if this conditional use permit will restrict the surrounding neighbors from having hot tubs, gymnastic equipment, animals etc.? Rusty Mahan mentioned that she has the same freedom and rights for the use of her land, they do not change.

There were no other comments or concerns and the public hearing was closed. Ken Cutler made a motion to grant a conditional use permit to expand an in-home day care at 180 E. 900 N. subject to all State licensing requirements. Mike Holmes seconded the motion and voting was unanimous.

2. Consider granting a conditional use permit to create a flag lot at 849 E. 900 N., Todd Holloway, applicant (continuation from February 18, 1997).

Todd Holloway, applicant, was present. Mike Holmes excused himself from this issue. Blaine Gehring explained that a public hearing was held on February 18, 1997 for consideration of this flag lot. After several residents of the neighborhood expressed concern and opposition to the proposal, the public hearing was closed. At that time, Mr. Gehring mentioned that he was in favor of the flag lot, it did not meet all the requirements of the ordinance. The stem portion of any flag lot in the R-1-6.5 Zone must not represent more than 20% of the total lot size. The stem of the proposed lot was in excess of the allowed 20%. By motion of the Commission, the item was tabled to give Mr. Holloway time to accurately measure the lot and necessary setbacks and come up with an alternative proposal. Mr. Holloway now has submitted that revision. The new proposal now meets the requirements for a flag lot. Staff recommends approval of the proposed flag lot as presented with the condition that the rear lot line be designed as the north property line and a thirty-foot rear setback be required.

Ken Cutler made a motion for approval of a conditional use permit for a flag lot at 849 E. 900 N. subject to a thirty-foot rear setback. Lois Williams seconded the motion and voting passed by majority vote. Mike Holmes abstained from voting and Mark Green voted "no."

3. Consider granting a conditional use permit and preliminary and final site plan approval for Legacy House, an assisted care living facility at the northwest corner of 100 East and Center Street, Western State Lodging, applicant (continuation from November 19, 1996).

Richard Miles, representing Western State Lodging, and Paul Fairholm, Administrative Director of Western State Lodging, were present. Richard Miles presented a color board with samples of the masonry, stucco, shingles, window trim and roof colors for display. Mr. Miles feels comfortable with the combination of colors presented. It is light enough not to contrast with the Bountiful Tabernacle across the street, will give some distinction to the facility and is soft enough not to stand out.

Richard Miles explained that the property directly north has been purchased and added to the overall plan. Parking has now been expanded to a total of 22 stalls, and 18 of those stalls are in the rear and four parallel parking in front of the building. There are now two primary entrances to the building, the garden areas have been increased, and the side area on the west side has been increased. The architecture design has also been changed. A gable on the second floor and each end of the building has been taken off for a softer residential feel. All of the water drainage will be collected in the parking lot and will be drained into the creek. These changes should

cover all concerns from the Planning Commission.

Blaine Gehring explained that a report of anticipated employment shifts has been given to each member. The maximum shift will be 12 employees (7:30 A.M. to 3:00 P.M.) at anyone time which leaves 10 available parking spaces for visitors. During the evening hours and weekends the employment numbers go down.

Lois Williams asked about how many total units will be at this facility? Mr. Miles mentioned that the original proposal had a total of 60 units. After a review with HUD, which is helping fund the project, it has been suggested that a different mix in relation to the studio units versus the one-bedroom units. With the additional property, the new mix will have four two-bedroom units, 30 studio units and 34 one bedroom units for a total of 68 units.

Mike Holmes asked about the density, how many units per acre? Mr. Gehring mentioned that, in this case, the density is not an issue. This is not a multiple-family use such as apartments or condominiums. This is a commercial use under professional services. We are looking at a single use which is divided into living units, being an assisted care facility.

Rusty Mahan mentioned that this issue has been discussed with Jody Burnett, Attorney and advisor on land usage, on whether this is a commercial or residential use? The opinion of Mr. Burnett and the City, this is a commercial use.

There was a discussion on concerns by some of the Planning Commission Members on not enough parking and the location of some of the stalls should be not permitted. Dick Dresher feels that according to the zoning, "no parking in the front or side yards," the two stalls on 100 East are in the front yard and not permitted. The two stalls on Center Street could also be considered in the front yard and are not permitted. Mr. Dresher also feels that there will be more than 68 residents with the two bedroom units. There are still some concerns with the density. This is a huge building on a small lot. The building is two stories and all surrounding homes and buildings are only one. Mr. Dresher still questions if this building is compatible with the neighborhood.

Richard Miles mentioned that if there is a problem with the parking the stalls can be arranged to meet the requirements. Mr. Miles feels that this building is compatible with the neighborhood. It has been specially designed for a residential neighborhood. This area has both residential and commercial and this facility will blend in with both uses. Mr. Miles feels that the issues of concern have been met. It has been confirmed by the employee's report provided by HUD and now Western States in their new facility, visitors are very few. HUD has insured Western States that they have more than adequate parking spaces for this facility.

Blaine Gehring mentioned that this area is in a commercial, residential mixed zone (C-R). The definition for front, rear and side yard say that a front yard ends at the rear of the building. In terms of parking, on 100 East the front yard will end where the rear yard ends making this a rear yard not a front yard. Mr. Gehring feels that the parking meets the requirements.

Dick Dresher feels that 100 East is a front yard and parking should not be allowed. By the letter of the law, this project does not meet the requirements.

When Mr. Gehring discussed these types of facilities with the planner in Farmington, he said the people they are working with have provided him with similar figures. It is unfortunate, but is a fact, this type of facility has very few visitors. The amount of parking the commission is asking for is not needed.

There was a discussion about density and the impact this will put on the neighborhood. Reports from HUD and South Jordan have shown that the traffic impact is less than one half of an apartment. National studies show that this facility will not impact the neighborhood. Mr. Gehring said this property is zoned commercial and a commercial use will impact the neighborhood considerably more than this use will.

Lois Williams made a motion to grant a conditional use permit for Legacy House, an assisted care living facility, at the northwest corner of 100 East and Center Street reserving approval on the final site plan for another date. Ken Cutler seconded the motion and voting passed by majority vote. Dick Dresher, Mark Green and Mike Holmes opposed the vote.

4. Consider granting a conditional use permit and preliminary a final subdivision approval for a Planned Unit Development at 450 E. Highland Oaks Drive (continuation from October 15, 1996).

Mark Green asked to be excused from the remainder of the meeting.

Douglas Harris, developer, and Dave Byrd, representing Byrd and Associates, were present. Jack Balling explained that this proposal was granted conceptual approval by the Planning Commission on October 8, 1996. Mr. Harris has now moved the entrance road to the west eliminating the encroachment on the 30% sloping hillside. The layout still requires some variances to the foothill ordinance, however, the plan is much more compatible with the terrain.

The proposed plans have been reviewed and Staff recommends approval subject to the following conditions:

- 1. Granting an exception for a slight encroachment of two building pads of 7,500 sq. ft. total (2% of project) on 30% slope.
- 2. Granting an exception for cuts to exceed 10 ft. on 12,000 sq. ft. of property (3% of project).
- 3. Granting an exception to allow the private access road to be constructed to 15% maximum grade.

- 4. Provide outlet piping to drain detention basin to the storm drain at 3650 South Bountiful Boulevard.
- 5. Completion of final engineering drawings to the standards of Bountiful City.
- 6. Completion of the storm run-off report.
- 7. Posting of bond and payment of fees as required at final approval.
- 8. Submission of a title report and covenants at final approval.
- 9. Compliance with all other development standards, ordinances, and regulations of Bountiful City.
- 10. Changing the entrance road to provide 20 ft. radius on curb returns.
- 11. Changing the retaining wall to meet the sight clearance at the corner and constructing a two tiered wall where the cut height exceeds 8 feet.

The following condition needs to be added for approval.

12. Staff review and approve the retaining wall.

The Staff recommends granting a conditional use permit and preliminary and final approval for a PUD at 450 E. Highland Oaks Drive.

There is a gate house that needs approval for the setback. It is intended to be used for a covered mail area not for a security guard. All units will have their own garbage containers and will be picked up by the Street Department. There will be a side walk on the west side of the road.

Mike Holmes made a motion to grant a conditional use permit and preliminary and final subdivision approval for a PUD at 450 E. Highland Oaks Drive subject to the conditions 1-11 and the addition of the following:

- 12. Staff review and approve the retaining wall.
- 13. Security gate meet City requirements for access and operation to be approved by staff.

Sam Fowler seconded the motion and voting was unanimous.

### **Site Plans**

1. Consider preliminary and final site plan approval for new Fred Meyer Store at 555 S. 200 W. and adjacent shops at approximately 100 W. 500 S.

Bob Currey-Wilson, Vice Present of Fred Meyer, Kirk Reynold, representing Great Basin Engineering, were present. Jack Balling explained that the existing Fred Meyer wants to demolish their existing store and build a new combined grocery/department store on the existing site. Included in their plan is the demolition of the two old homes between their driveway entrance and Dee's Restaurant on 500 South and replacing them with two retail structures. The two new retail buildings will be located on 500 South and along the east side of the driveway leading to 500 South.

All sewer, water and electrical services will be changed. Some new features to the site will be a new retaining wall along the east and south sides due to the necessary cuts to accommodate the new size of building and maintain the proper elevation. The main parking lot will now be to the north of the store with only minimal parking on the west, east and south sides.

Staff recommends sending a favorable recommendation to the City Council with the following conditions:

1. Culinary water will be installed by Bountiful City with the following fees:

a. 2,840' of water main @ \$20/ft.

\$56,800.00

b. 7 fire hydrants @ \$1,728 ea.

12,096.00

c. 2 taps and valves @ \$1,438 ea.

2,876.00

Total

\$71,772.00

- 2. The storm sewer plan is acceptable with the following items needing completion:
  - a. approval from David County Flood Control.
  - b. payment of storm water detention fee for buildings A & B at \$2,100 for 1.908 acres=\$4,007.00.

per acre

mains.

c. raise floor elevations of building A and B 6" to meet flood zone

requirements.

- 3. Provide the following:
  - a. 20' easement along centerline of culinary water and sanitary sewer
  - b. 7' utility easements along frontage of both streets.
- 4. Work with Bountiful Power Department on all relocations of power lines and poles and easements.
- 5. Demolition permits required on all buildings to be demolished.

- 6. Provide details on all retaining walls.
- 7. Define on the site plan the locations of trash enclosures and yard lighting.

There was a discussion about the traffic impact coming in from 500 South. It has been anticipated that most of the customers using the store will use the 500 South entrance. A traffic analysis will need to taken before a traffic light could be installed.

Dick Dresher mentioned that the landscaping along 200 West needs to be upgraded and this is a huge parking lot with a lot of asphalt. Is there any way that some of the parking could be eliminated with 10 foot landscaped stripes to break up the monotony of so much asphalt? What type of fence will be around the garden shop and what type of signs will be used? Mr. Currey-Wilson mentioned that the landscaping strips make it more difficult for maintenance and snow removal. He said that with the garden center facing 200 West the fence will be an attractive permanent type fence. The materials to be used for the fence have not been decided on but it will be more than a chain link fence. The signs are not usually approved on site plan approval but a new sign will replace the existing one and Mr. Gehring is suggesting that one multi tenant type sign be used for all three businesses. Mr. Dresher would like to have an additional condition to require something better than a chain link fence.

Mike Holmes is also requesting a fence better than chain link, upgrading the landscaping on 200 West and some type of landscaping to break up the parking lot.

Lois Williams made a motion for preliminary and final site plan approval for a New Fred Mayer Store at 555 S. 200 W. and adjacent shops at approximately 100 E. 500 S. subject to the recommendations from staff 1-7 and the addition of the following:

- 8. Additional landscaping to brake up the parking lot and use angle parking at the entrance from 500 South.
- 9. Additional landscaping along 200 West.
- 10. To upgrade the fence from a chain link around the garden area.

The motion was seconded by Mike Holmes and voting was unanimous.

Dick Dresher would like the revised site plan to be returned to the Planning Commission for review of the landscaping and fencing.

2. Consider preliminary and final site plan approval for a four-plex on property with an existing duplex at 441 W. 200 N., Kim Dunn, owner

Kim and Connie Dunn were present. Mr. Gehring explained that Mr. Dunn would like to put a four-plex at the rear of an existing duplex. A new driveway for both the duplex and the four-plex will be in installed west of the existing structure. A new garage door would be installed in the existing garage to face west and the existing driveway would be removed. The new driveway would have a 70-foot diameter turnaround between the duplex and the new units for fire protection. All the parking requirements have been met with 2.5 parking stalls per unit. Each unit will have a two car garage and there are three additional parking stalls provided in addition to the ones for the existing duplex. Landscaping plans have been submitted and meet all requirements.

Staff recommends preliminary and final site plan approval with the following conditions:

- 1. Culinary Water:
  - a. Install a fire hydrant as shown on the site plan.

Cost of the hydrant:
109' of 6" pipe @\$20.00 per foot \$3,800.00
6" tap and valve 1,438.00
fire hydrant 1,720.00
Total \$6,958.00

- 2. Install a 1½" water connection=\$3,850.00
- 3. No storm detention is shown. Pay run-off fee of \$2,100.00 per acre for .5933 acres=\$12,046.00
- 4. Pay fees as required by the Power Department.
- 5. Provide easements:
  - a. 7' utility easement along frontage of street.
  - b. 15' easements along centerline of waterline.
  - c. 20' easement along centerline of the overhead power line.
- 6. Final drawings to comply with Building Code.
- 7. Define on site plan:
  - a. roadway with 3" of asphalt on 6' base.
  - b. curb wall around fire hydrant.
  - c. detail of curb walls on site.

Garbage pick up will be individual cans provided by the city. There will need to be a solid type fence on three sides of the property.

Mark Green made a motion for preliminary and final site plan approval for a four-plex on property with an existing duplex at 441 W. 200 N. subject to the recommendations of staff 1-7

and the addition of the following:

8. Provide a 6-foot solid fence on three sides of the property.

Dick Dresher seconded the motion and voting was unanimous.

## **Subdivisions**

1. Consider preliminary subdivision approval of the Lewis Park Subdivision.

Roy Reed, representing the Foss Lewis Family, was present. Jack Balling explained that this subdivision is located in the old Foss Lewis gravel pit and contains 46 acres of property. The City has been interested in the development of this property for many years. The development of this property will provide Bountiful City with the following benefits.

- 1. The completion of North Canyon Road which is a major collector road.
- 2. Providing a neighborhood park of 8 acres for soccer fields.
- 3. Provide a regional storm water detention basin.

The North Canyon Creek will be channeled to meet the requirements of Bountiful City and Davis County Flood Control. The City is looking to purchase the 8.11 acres shown as a City park. The southern soccer field will act as a storm water detention basin during heavy storm periods. The soccer fields will be owned and maintained by the City.

In order to meet the City objectives, the Staff has prepared the preliminary subdivision plan and agreed to participate in the paving cost of North Canyon Road. The Foss Lewis and Sons Company is doing the grading for the North Canyon Road which is expected to be completed this summer. The Staff recommends preliminary approval to this Foss Lewis subdivision as shown.

Mike Holmes made a motion for preliminary subdivision approval of the Lewis Park Subdivision. Ken Cutler seconded the motion and voting was unanimous.

2. Consider final approval of Phase I, Lewis Park Subdivision.

Jack Balling explained that this phase contains 31 lots located along both sides of North Canyon Road between Davis Boulevard and 400 East Street. The City is participating in the paving of the North Canyon Road. We are in the process of preparing the bond letter and final checking of the subdivision. The Staff recommends final approval subject to the following conditions:

1. Final review and correction of the subdivision.

- 2. Payment of all required subdivision fees including but not limited to:
  - A. Culinary water fee.
  - B. Underground power fee.
  - C. Storm detention fee.
  - D. Subdivision fees.
  - E. Street signs.
- 3. Posting of a subdivision bond to guarantee the completion of all site improvements except for City portion.
- 4. Providing a current title report.
- 5. Signing and recording of the subdivision plat by all owners of property involved as per the title report.
- 6. Compliance with all other City ordinances and standards.

Mike Holmes made a motion for final approval of Phase I, Lewis Park Subdivision. Ken Cutler seconded the motion and voting was unanimous.

## **Zoning Ordinance Amendments**

1. Consider rezoning Robert Williams property at 35 E. 2200 S. from R-3-16 to C-G, Orchard Pointe.

Robert Williams, property owner, Scott Mangum, representing Eagle Point Financial, and Paul Blaine Gehring explained Mr. Robert Williams and his son, John Hatch, were present. Williams, are the owners of the property on the corner of 2200 South and Orchard Drive and extending west along 2200 South to the backyards of the homes on Penman Lane, including the duplex at 2186-2190 S. Orchard Drive. The properties fronting on Orchard Drive are currently zoned C-G and extend along the frontage of 2200 South about 221 feet. There are three remaining properties fronting on 2200 South which are all zoned R-3-16, an older home, a vacant lot, and John Williams' home next to the Penman Lane properties. The rezone is for only one piece of property just west of the two properties fronting Orchard Drive. The remaining two properties will be developed into 10 townhouse apartments to buffer the commercial development and the single family residences to the west. This change will be an asset and will not put any additional impact on the neighborhood. The Staff recommends sending this rezone to the City Council with a favorable recommendation.

Mike Holmes made a motion for a favorable recommendation to the City Council for approval of a rezone of Robert Williams property at 35 E. 2200 S. from R-3-16 to C-G. Lois Williams seconded the motion and voting passed by majority vote. Dick Dresher voted no.

Meeting adjourned at 10:20 P.M.